

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

FRED MESSICK, as sole proprietor of )  
Monteagle Truck Center, )  
Plaintiff, )  
v. ) No. 1:19-cv-45-JRG-SKL  
LT. DANIEL RUSKEY, *et al.*, )  
Defendants. )

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CASSIE KILGORE, as sole proprietor of )  
Rocky Top Wrecker Service, )  
Plaintiff, )  
v. ) No. 1:19-cv-55-JRG-SKL  
DANIEL RUSKEY, *et al.*, )  
Defendants. )

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RODNEY KILGORE, doing business as )  
Monteagle Wrecker Service, *et al.*, )  
Plaintiffs, )  
v. ) No. 1:19-cv-180-JRG-SKL  
LT. DANIEL RUSKEY, *et al.*, )  
Defendants. )

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**ORDER**

Before the Court are Defendants' Motions to Consolidate Cases for Trial [Doc. 41 (case -45), Doc. 39 (case -55), and Doc. 58 (case -180)]. Defendants seek to consolidate Case No. 1:19-

cv-180 with the already consolidated Case Nos. 1:19-cv-45 and 1:19-cv-55. No Plaintiff filed a response to any motion and the time for doing so has passed. Failure to file a response to the motion is deemed a waiver of objection any Plaintiff may have to the requested relief. *See* E.D. Tenn. L.R. 7.2 (“Failure to respond to a motion may be deemed a waiver of any opposition to the relief sought.”). Pursuant to Federal Rule of Civil Procedure 42(a), good cause having been shown, without objection, and to avoid unnecessary costs and delays, the motions are **GRANTED**, and these three actions are hereby **CONSOLIDATED** for all purposes, including trial.

Accordingly, Case No. 1:19-cv-180 shall be **CONSOLIDATED** with Case Nos. 1:19-cv-45 and 1:19-cv-55. **Case No. 1:19-cv-45 remains designated as the lead case** and, pending final resolution of these consolidated cases, all subsequent papers, pleadings, and motions shall be filed in Case No. 1:19-cv-45 **only**. Once this Order is docketed in each case, it is not necessary for the Clerk or the attorneys to note filings on the docket in each case, as it will be understood that, because of this Order, each filing in Case No. 1:19-cv-45 will be deemed to have also been filed in Case Nos. 1:19-cv-55 and 1:19-cv-180. At such time as the final resolution of the consolidated cases is made, the final order will be filed in each case, at which time the cases will be closed. It is further **ORDERED** that the Scheduling Order in Case No. 1:19-cv-45 [Doc. 40] remains in effect for all three cases for all parties.

**SO ORDERED.**

**ENTER:**

*s/Susan K. Lee*  
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SUSAN K. LEE  
UNITED STATES MAGISTRATE JUDGE